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April 21, 2017

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The Honorable Betsy DeVos
Secretary of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Madam Secretary:

A safe campus environment free from sexual assault is essential to ensure that all students can pursue a higher education. Thanks to several laws passed by Congress, colleges and universities that receive federal funds are required to ensure that all students have a safe environment in which to learn, which includes safety from sexual assault. Unfortunately, that is currently not the case for many students across the country. As Secretary of Education, you are now responsible for carrying out these laws and I writing to inquire about steps you are taking and plan to take to protect students against sexual assault.

New and emerging details of a systemic failure to address a pattern of sexual violence at Baylor University underscore the urgency of this issue. At that university, a recent lawsuit alleges as many as 52 incidents of rape by members of the football team, and another court filing describes the football program as “a black hole” where reports of misconduct went uninvestigated. Unfortunately, stories like these are becoming more frequent at universities all over the country, with an estimated 1 in 5 women being victim to sexual assault during her college years.

These reports shake the confidence of students and their families, who deserve to know that their universities take sexual violence as seriously as they do.

I was concerned in January when, in your confirmation hearing before the Senate Committee on Health, Education, Labor and Pensions, you were unwilling to express a clear commitment to all Title IX protections, including this guidance to institutions, when directly asked. I hope that you will take this opportunity to clarify your position, and state your commitment to the guidance.

As you know, in 2011 the Department of Education issued Title IX guidance to make clear that colleges and universities know they are required by federal law to take immediate and appropriate action in response to incidents of sexual violence. This guidance included a direction for schools to use a preponderance of the evidence standard to resolve complaints of sex discrimination, such as incidents of sexual assault. Prior to the letter, many

universities had already used this standard, and it is used for every other civil rights protection.


In addition to this guidance, the 2013 reauthorization of the Violence Against Women Act included the Campus SaVE Act, which required universities to take additional steps to address campus sexual assault, including making sure that that victims of sexual assault know their rights, and that campuses report more comprehensive statistics on sexual violence, such as incidents of dating violence and stalking.

Students at every university are counting on you and the Department of Education to enforce these protections. Accordingly, I ask that you respond to the following questions:

- As Secretary, do you plan to prioritize campus sexual assault and the enforcement of Title IX, including the 2011 guidance to universities and the preponderance of the evidence standard? Specifically, how have you directed your Department to do so?
- The guidance suggests that universities train relevant personnel in how to respond to reports of sexual violence, including all employees likely to receive these reports, such as athletic coaches and Title IX coordinators. However the case at Baylor indicates that some athletic department employees either were not trained, or did not follow recommended procedures. How do you plan to ensure that university employees receive regular and effective training?
- The Campus SaVE Act (codified in VAWA) requires that universities report on their sexual assault prevention and awareness programs. While this information is useful, more comprehensive surveys of students help us determine the effectiveness of this programming. Will you commit to encourage campuses to conduct periodic climate surveys to help gather this important information and share it with stakeholders and policymakers?
- Since 2014, at the urging of myself and other Members of Congress, the Office of Civil Rights has disclosed the institutions facing federal investigations for possible violations of Title IX, as well as the terms of resolution agreements. I am pleased that this practice has so far continued under your leadership, since these disclosures provide useful information to students and their families. Will you commit to continued disclosures of Title IX investigations and resolutions?

The pace of reform must continue, and I hope you will continue to strengthen protections for students against campus sexual assault. Thank you for your attention to this matter.

Sincerely,


CAROLYN B. MALONEY
Member of Congress